IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.41209 of 2008
SWETA MAHTO @ MAHANTH
Versus
STATE OF BIHAR
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2. 24.10.2008 Heard Mr. S. N. Roy, learned counsel for the petitioner and Mr. Dashrath Mehta, learned A.P.P.

The case is under section 396 of the Indian Penal Code and the petitioner is not named in the F.I.R. The learned Judge in order to dismissing the prayer of the petitioner has held that there could not be any eye witness to such occurrence and if there could be one, he could be an adventurous fellow. Besides, he has written that a person made an accused in such an offence could never be entitled to prayer for bail. Learned Judge, it appears, motivated more in passing the rejection order than going into the concrete fact. The fact remains, as appears from the rejection order, that the petitioner was not put on T.I.P. and no recovery was made from the petitioner. The petitioner is in custody since 24.7.2007.

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Let petitioner named above be released on bail on furnishing bail bond of Rs.5,000/-(Five thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge, F.T.C-IV, Samastipur, in connection with Dalasingsarai P.S. case no.167 of 2006 (S.T. no.880/07).

(Dharnidhar Jha,J)

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